

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

RICHARD GINGERICH,

Plaintiff,

CIVIL ACTION NO. 07-CV-14600-BC

vs.

DISTRICT JUDGE THOMAS L. LUDINGTON

TERRY ARNOLD,

MAGISTRATE JUDGE MONA K. MAJZOUN

Defendant.

_____ /

ORDER DENYING PLAINTIFF'S MOTION TO COMPEL DISCOVERY
AND
DELAYING ACTION ON THIS COURT'S ORDER TO SHOW CAUSE

This matter comes before the Court on Plaintiff's Motion to Compel Discovery filed on November 18, 2008. (Docket no. 15). Plaintiff is a prisoner proceeding *pro se*. He is attempting to determine the location of the Defendant so that he may be served with process. The Court issued a second Order for Plaintiff to Show Cause why this Defendant should not be dismissed for failure to effect service on November 4, 2008. The Court's attempts to effect service on this Defendant at the address provided by Plaintiff have not been successful. All pretrial matters have been referred to the undersigned for decision. (Docket no. 3). The Court dispenses with oral argument. This motion is ready for ruling.

Discovery is normally conducted among the parties without the Court's involvement. Plaintiff fails to show that he has requested these documents in a proper discovery request directed to the Michigan Department of Corrections, the alleged employer or former employer of Defendant. Plaintiff should serve his discovery request as is required by the Federal Rules of Civil Procedure.

Only after having unsuccessfully sought discovery from a party or person may Plaintiff ask the Court to compel the party or person to respond to his discovery request. The Court will delay further action on the Order to Show Cause until December 31, 2008 in order to allow Plaintiff time to attempt to determine an address for this Defendant.

IT IS THEREFORE ORDERED that Plaintiff's Motion to Compel Discovery (docket no. 15) is **DENIED** without prejudice.

NOTICE TO THE PARTIES

Pursuant to Fed. R. Civ. P. 72(a), the parties have a period of ten days from the date of this Order within which to file any written appeal to the District Judge as may be permissible under 28 U.S.C. 636(b)(1).

Dated: December 02, 2008

s/ Mona K. Majzoub
MONA K. MAJZOUB
UNITED STATES MAGISTRATE JUDGE

PROOF OF SERVICE

I hereby certify that a copy of this order was served upon Richard Gingerich and Counsel of Record on this date.

Dated: December 02, 2008

s/ Lisa C. Bartlett
Courtroom Deputy